

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JOHN WILEY & SONS, LTD., and )  
AMERICAN INSTITUTE OF PHYSICS, )  
Plaintiff, )  
v. )  
MCDONNELL BOEHNEN HULBERT & ) 12 C 1446  
BERGHOFF LLP, and JOHN DOE NOS. )  
1-10, ) Judge Norgle  
Defendants, )  
and )  
THE UNITED STATES PATENT AND )  
TRADEMARK OFFICE, )  
Proposed Intervening Defendant. )

**MOTION TO INTERVENE OF THE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

The United States Patent and Trademark Office (“USPTO”), pursuant to Rule 24 of the Federal Rules of Civil Procedure, respectfully moves this Court to enter an order granting it the right to intervene and to file the Answer, Affirmative Defense and Counterclaim attached as Exhibit A.

A memorandum of law accompanies this motion.

Based upon the government’s discussions with counsel for plaintiff and defendant, plaintiff reserves its right to oppose this motion, while defendant does not oppose it.

## CONCLUSION

The USPTO respectfully requests that this Court grant its Motion to Intervene in the instant proceeding and accept its Answer, Affirmative Defense and Counterclaim, and for all other relief this Court deems appropriate and just.

DATED: May 31, 2012

Respectfully submitted,

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